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NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

# REPORT OF THE EUROPEAN REGIONAL PREPARATORY MEETING FOR THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Vienna, 28 February-4 March 1994

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## CONCLUSIONS

The European Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders unanimously adopted the following resolution:

### Resolution

The European Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Recommends that the Commission on Crime Prevention and Criminal Justice consider the following conclusions in preparation for the Ninth Congress. These conclusions seek to identify issues and areas of concern which, in the view of the European Regional Preparatory Meeting, have not received sufficient attention in the preparations for the Ninth Congress. This identification of issues and areas of concern should not be understood to assign them priority over other issues and areas of concern already identified by the Commission.

### A. General conclusions regarding the Ninth Congress

1. The United Nations congresses on the prevention of crime and the treatment of offenders have a new role as the consultative body to the United Nations crime prevention and criminal justice programme. The congresses consider matters referred to them by the Commission and may recommend matters for inclusion in the work programme for the consideration of the Commission.

2. Given the renewed emphasis in the United Nations crime prevention and criminal justice programme on technical assistance, the Ninth Congress should seek ways of promoting and refining forms of technical cooperation, such as advisory services, training, contributions in kind and the development of manuals.

3. Fulfilment of the new function of the Ninth Congress requires that the debate and conclusions of the Congress be specifically focused. This can only be achieved through proper and timely preparation on the part of the secretariat, Member States and other representatives, for example through implementation of the new rules of procedure for the United Nations congresses from the outset, thus allowing Member States sufficient time in advance of the Ninth Congress to review draft resolutions in all six working languages of the United Nations.

4. Member States should actively participate in the Ninth Congress by preparing a substantive contribution to the discussions in the plenary session, the workshops and the ancillary meetings. They should seek to include in their delegations senior officials, practitioners and policy makers, as well as national correspondents, and assist representatives of non-governmental organizations and other interested parties in participating.

5. Member States and other interested parties should participate actively in the preparations for the six workshops and the plenary discussion on corruption. These events should be designed to foster discussion and the exchange of information as well as experience on closely specified issues of direct concern to policy makers and practitioners. They should seek to identify the priorities for action, examine possible model projects, assess the factors behind the success or failure of such projects, and examine ways in which such projects could be replicated. The workshops should also examine methods of ensuring the proper follow-up to the workshops. The format could involve, for example, panel discussions of case-studies.

6. Proper preparation of this and subsequent congresses is linked to the more general issue of the capacity of the Crime Prevention and Criminal Justice Branch to fulfil its mandates. In line with repeated General

Assembly and Economic and Social Council resolutions, the Secretary-General should, through the relocation of existing resources and as a matter of urgency, upgrade the Branch into a Division, headed by a Director. The Secretary-General should also appoint a Secretary-General of the Congress.

### B. Conclusions regarding topic 1: international cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme

7. The Ninth Congress should explore ways in which Member States could further enhance their cooperation with developing countries and countries in transition, through the development of strategic alliances in all the aspects of the crime prevention and criminal justice programme.

8. The Ninth Congress should consider ways in which Member States, intergovernmental and non-governmental organizations, as well as other entities, can cooperate with the Branch in exchanging information on planned and implemented international technical assistance projects in crime prevention and criminal justice. One such possibility is the establishment of a clearing-house on such projects, using the United Nations Criminal Justice Information Network, to assist Member States in coordinating their bilateral and multilateral assistance.

9. The Ninth Congress should consider practical methods for promoting, where necessary, the exchange of experience and information on international cooperation, including the establishment and development, as necessary, of depositories of information on national legislation, statistics and other data. The Ninth Congress should also examine the conditions which would facilitate the establishment of a mechanism to ensure coherence in international assistance efforts, both bilaterally and multilaterally.

10. The Ninth Congress should decide on an international day or week devoted to crime prevention and criminal justice.

### C. Conclusions regarding the workshop on mass media and crime prevention

11. The workshop should be geared towards enlisting the support of the media for crime prevention, and should consider the criminogenic effects of graphic portrayals of violence and sensationalism in the media, particularly on the young.

12. The workshop should, with due recognition to the need to maintain the freedom of the press, consider the possible effects of sensational news coverage on the fairness of criminal trial processes.

### D. Conclusions regarding topic 2: action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation

13. The Ninth Congress should seek to identify and address new forms of national and transnational economic and organized crime, including forms arising as a result of the use of new technology. Such new forms of crime already include, inter alia, illicit migration and may come to include the organized illicit traffic in human body parts. The use of new technologies in crime should also be considered, particularly as related to economic crime, including computer-related crime. The Congress should seek to further develop the recommendations of the international seminar on organized crime, contained in annex II of Economic and Social Council resolution 1992/23 of 30 July 1992.

14. The Ninth Congress could also consider ways of addressing organized crime activities in the field of drug trafficking, with particular attention to the control of enterprises that produce precursors.

15. The Ninth Congress should promote, as modalities for enhancing cooperation in the prevention and control of organized crime, the strengthening and possible setting-up of special departments within police agencies, where necessary, to deal with organized crime and the establishment of relationships between such special departments into an international communications network, including the use of liaison officers and contact offices.

16. The Ninth Congress should consider mechanisms for the creation and further development, as necessary, of a standards framework for the international exchange of key information on organized crime, as well as the promotion of quick and flexible reactions to organized crime through concerted bilateral and multilateral police countermeasures based on international arrangements.

## E. Conclusions regarding the discussion in plenary on corruption

17. The Ninth Congress should consider the further refining of the modalities outlined in the manual on practical measures against corruption,[1] given the recognition that, while corruption is a separate criminal activity, it has an inescapable tendency to threaten the institutions of democratic government.

18. The Ninth Congress should consider, subject to the preliminary review of the Commission at its third session, the proposed international code of conduct for public officials.

19. The European Regional Preparatory Meeting welcomes the initiative of the Government of Spain to organize an international meeting of experts on corruption, in preparation for the Ninth Congress.

## F. Conclusions regarding the workshop on environmental protection

20. The workshop on the role of criminal law in the protection of the environment should consider issues at national and international levels, such as:

(a) The range of internationally recognized environmental offences;

(b) Jurisdictional questions where environmental offences have transboundary effects;

(c) The development of a standard-setting manual for practitioners;

(d) Improved methods for exchanging evidence;

(e) A standardization of the methods of sampling and examination.

21. The workshop should give appropriate consideration also to the growing phenomenon of illicit waste dumping and the international illicit traffic in wildlife as well as in hazardous radioactive materials.

22. The workshop might consider further the mechanism and forum for developing further appropriate instruments, in coordination with other intergovernmental organizations.

## G. Conclusions regarding the workshop on extradition and international cooperation

23. The workshop on extradition and international cooperation should consider specific problems in the practical implementation of extradition treaties and related forms of international cooperation, and methods of overcoming these problems, with due regard to the necessity for observing democratic structures and controls, such as:

(a) The expansion and updating of the network of multilateral and bilateral instruments;

(b) The opening of regional conventions to States from outside the region;

(c) The organization of training courses and international internships for the officials involved.

24. Other topics for consideration could include how in practical terms extradition and other international cooperation should function, general impediments and how to balance extradition regimes against reasonable grounds for denial. In this respect, the removal of the political offence exception in the context of extradition and mutual assistance could be considered.

25. The workshop should also review existing bilateral and multilateral treaties involving extradition, including the United Nations model treaty, in the light of recent developments.

## H. Conclusions regarding topic 3: criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts, and corrections and the role of lawyers

26. The Ninth Congress should give consideration to the recent developments in the mobilization and integration of law enforcement arrangements.

27. The Ninth Congress should seek to explore ways of improving the relationship between the police and the public, for example by ensuring an equal balance between the various sectors of the population in police forces, and by developing community policing.

28. The Ninth Congress might consider such recent trends in criminal justice as the privatization of certain police and correctional functions, the expansion of the use of pretrial custody and prison overcrowding. It might also consider the further use of alternative methods of reducing prison overcrowding, the need for a review and development of standards on pretrial detention, as well as the promotion of the international transfer of prisoners. New methods of evaluating the effectiveness of various forms of correctional treatment might be considered.

## I. Conclusions regarding the computerization and criminal justice information workshop, including the symposium on computerization

29. The workshop should evaluate progress in computerization and the policy and management use of information achieved since the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In respect of computerization, the workshop should seek to identify information systems that have proven their effectiveness, discuss the process of needs assessments, and consider the conditions of successful computerization.

30. The workshop might consider such issues as the compatibility of criminal statistics, support systems, computers as an investigative tool, and cost-effective ways of promoting the availability of data, access to analysis capabilities and the exchange of information.

31. In so doing, the workshop should bear in mind data protection principles relating to personal privacy, and should consider controls and legal measures to safeguard the respect for privacy and to prevent the data from being used for purposes incompatible with the International Covenant on Civil and Political Rights.

32. The workshop should also provide a mechanism for identifying needs for the creation of statistical infrastructures where these are essential to improving national statistical reporting systems.

### J. Conclusions regarding topic 4: crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

33. The Ninth Congress should examine ways of promoting cooperation in crime prevention between criminal justice agencies, on one hand, and, inter alia, other agencies, businesses, associations and the public, on the other. Such cooperation should be designed to develop successful crime prevention activities on the local, national and international level, especially through the collaboration of crime prevention councils.

34. The Ninth Congress should consider the issue of violence against women, children and the elderly as a matter of priority within the framework of discussions under topic 4 and in the context of the workshop on the prevention of violent crime, and should consider proposing recommendations to the Commission in respect of developing, establishing or strengthening means for preventing and controlling violence against women and children. In this connection, consideration should be given to ways of promoting recognized good practices, such as those contained in Strategies for Confronting domestic violence: A Resource Manual (ST/CSDHA/20).

35. The Ninth Congress should consider, subject to the decision of the Commission at its third session, in accordance with Council resolution 1993/27 of 27 July 1993, in its open-ended working group, the proposed guidelines on urban crime prevention, and should exchange views and practical experiences related to urban crime prevention.

### K. Conclusions regarding the urban policy and crime prevention workshop

36. The workshop on urban policy and crime prevention should seek to identify the priorities for crime prevention in urban areas, examine possible model projects in crime prevention, assess the factors behind the success or failure of such projects, and examine ways in which such projects could be replicated. The workshop should also examine methods of ensuring the proper follow-up to the workshop, such as promoting the exchange of information on crime prevention measures and technical cooperation projects.

37. The workshop should seek methods of sensitizing the authorities responsible for the different aspects of urban policy, such as the authorities responsible for education, employment, alcohol and drug policy, social services and urban zoning, to the importance of taking crime prevention aspects into consideration.

### L. Conclusions regarding the workshop on violent crime

38. The workshop on the prevention of violent crime should seek to identify and assess factors that are conducive to violent crime, including the ready availability of firearms.

39. The workshop should afford the opportunity to exchange views and practical experiences which could be useful to other States, and to develop appropriate measures, including mediation and conflict resolution.

40. Within the framework of the discussion of the workshop, consideration should also be given to xenophobic violence, violence against vulnerable groups and violence in connection with armed conflicts.

## I. INTRODUCTION

41. The European Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was the third of a series of five regional meetings convened to discuss the substantive items included in the provisional agenda of the Ninth Congress, to be held in 1995. The provisional agenda of the Congress was contained in Economic and Social Council resolution 1993/32 of 27 July 1993, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its second session. At its forty-eighth session, the General Assembly adopted resolution 48/103 of 20 December 1993, in which it welcomed Council resolution 1993/32 and requested the Secretary-General to undertake all steps necessary to ensure the adequate organization of the Ninth Congress in accordance with that resolution. The Meeting was organized by the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna.

## II. ATTENDANCE AND ORGANIZATION OF WORK

### A. Date and venue of the Meeting

42. The Meeting was held at the Vienna International Centre, from 28 February to 4 March 1994.

### B. Attendance

43. The Meeting was attended by representatives and experts from Member States, by observers from United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations. A list of representatives is given in annex I of the present report.

### C. Opening of the Meeting

44. The Chief of the Crime Prevention and Criminal Justice Branch noted that the Ninth Congress would be the first to be conducted in a new format, in accordance with the recommendations of the Ministerial Meeting of Versailles and the decisions of the Commission. To ensure its proper organization, a decision was urgently needed as to its venue and dates, still pending because of ongoing consultations between the two African States which had offered to act as host to the Ninth Congress.

45. The economic, social and human costs of crime were enormous. The emergence of organized crime on a global scale was an ominous new development which threatened criminal justice systems in economies undergoing reforms based on free-market principles, in which the long-term threat posed by the investment of criminal proceeds was often obscured by the need for foreign investment capital. Organized crime was accompanied and sustained by the alarming rise in urban crime, which in turn fed on poverty and increasing inequalities, with severe destabilizing effects on modern societies.

46. The profound changes which had swept over the world in recent years had strengthened the role of democracy and common international values, despite continuing ethnic conflicts and tensions which posed a grave threat to international peace and security. Those changes had important implications for crime

prevention and criminal justice, particularly in the new democracies of central and eastern Europe, where there was an urgent need to ensure that the criminal justice system functioned in such a way as to support their reform programmes and to cope with the new forms of crime. The challenge facing the international community was to promote closer cooperation and to overcome remaining divisions. The Ninth Congress could make a valuable contribution towards that goal.

47. The Director of the European Institute for Crime Prevention and Control, affiliated with the United Nations, noted that since the last European Regional Preparatory Meeting held at Helsinki in 1989, new mechanisms had been established at the international level to respond to the new problems that had emerged. The establishment of an international tribunal to deal with war crimes committed in the Former Yugoslavia was a significant step forward, while the peace-keeping efforts of the United Nations had begun to incorporate a criminal justice component to ensure institution-building.

48. Under their new format, the United Nations congresses on the prevention of crime and the treatment of offenders could devote greater attention to meeting the needs of member States, placing emphasis on practical technical assistance. Since member States of the regional group were at the forefront of the restructuring of the programme, the Meeting had a special responsibility to continue providing guidance to assist the Ninth Congress in the accomplishment of its tasks.

## D. Election of officers

49. The Meeting elected the following officers by acclamation:

| | |
|---|---|
| Chairman: | Ferdinand Mayrhofer-Gruenbuhel (Austria) |
| Vice Chairmen: | Alice Yotopoulos-Marangopoulos (Greece) |
| | Jerzy Jasinski (Poland) |
| Rapporteur: | Donald K. Piragoff (Canada) |

## E. Adoption of the agenda and organization of work

50. The Meeting adopted the following agenda:

1. Opening of the Meeting.

2. Organizational matters.

3. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme.

4. Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation.

5. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections and the role of lawyers.

6. Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives.

7. Adoption of the report of the meeting.

F. Documents

51. The documents before the Meeting are listed in annex II.

## III. REPORT OF THE DISCUSSION

### Topic 1. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme

52. The Chief of the Branch introduced the item and referred to the documents before the Meeting. He stated that the main purpose of restructuring the programme was the improvement of technical assistance, and that the General Assembly had repeatedly reaffirmed the importance of such assistance to Member States, most recently in its resolution 48/103. Increased public awareness was very important for the promotion of the programme and the increase of its capacity to perform its mandated tasks. For this reason, the establishment of an international day or week for crime prevention and criminal justice was an initiative that could be considered by the Meeting.

53. All representatives concurred that concerted international action was indispensable to counter the effects of crime, particularly in its transnational forms. The consolidation of the rule of law was a responsibility that the international community should discharge, particularly in the face of contemporary problems and the growing interdependence of States. For this purpose, international cooperation, also through the United Nations, was essential and should be pursued vigorously. The modalities of such cooperation had to be reviewed in the light of the latest developments and the needs of the international community as they appeared at present. More multilateral initiatives were considered necessary to engage all member States in the pursuance of the common objective of dealing with new and sophisticated forms of crime that transcended national boundaries.

54. The existing United Nations instruments were held in high regard. They were considered very useful tools for effective international cooperation, and, for that reason, their application and use by Member States should be encouraged and promoted. Pursuant to the restructuring of the programme, emphasis was placed on such application and use and not on the development of new instruments. However, the programme embodied a particular expertise that could be utilized for a more systematic standard-setting, especially in areas of common concern to all Member States, and as modalities for dealing effectively with new forms of crime. Development of those modalities should be undertaken with the full involvement and guidance of Member States to ensure that standards underwent the necessary scrutiny, reflected all concerns and were designed to promote meaningful and effective international cooperation, thereby meeting the needs of everyone concerned.

55. The exchange of information on crime trends, as well as on methods for its prevention and control, including innovative approaches that had proven to be effective, was considered particularly important. The United Nations crime prevention and criminal justice programme had an especially useful contribution to make in discharging clearing-house functions that would enable the international community to keep abreast of developments and take them into account in formulating appropriate policies and strategies in the field. In order for that function to be properly performed, however, the full cooperation of Member States was indispensable. The provision of information to the Branch had to be consistent and uninterrupted. Otherwise, projections of crime trends were not possible and incomplete data could not be relied upon.

56. Technical cooperation was one of the prime objectives of the new programme and one of the principal functions of the Ninth Congress. All representatives emphasized the importance of providing knowledge and

expertise to the countries that needed them in developing or reforming their criminal justice systems. It was pointed out that technical cooperation, in spite of perceptions to the contrary, was equally advantageous to both donor and recipient. Both stood to benefit from the process, and technical cooperation activities would gain enormously in effectiveness, efficiency and impact if approached and carried out in that manner.

57. A considerable part of current practical assistance was provided at the bilateral level. The Meeting stressed the need for coordination of bilateral assistance programmes and efforts with those provided at the multilateral level. The exchange of information on programmes and activities, carried out or planned, would assist in targeting assistance strategically where it was most needed, in a way that would ensure that it had the most impact, as well as the best chances of success. It would also facilitate the most efficient use of limited resources, avoiding duplication and unnecessary overlapping, as well as ensuring that the assistance provided, particularly in the form of advisory services and training, was the most appropriate and did not result in confusion. The possibility of the Branch establishing, in cooperation with HEUNI, a computerized register containing this type of information, in respect of technical cooperation projects in central and eastern Europe, was welcomed by the representatives in the Meeting. It was pointed out, however, that such an initiative could be pursued and succeed only with the full involvement of Member States and with a steady flow of information from them on their initiatives and areas of interest.

58. Resources were directly and inextricably linked to all discussions of technical cooperation, since the provision of practical assistance was a resource-intensive activity. The Ninth Congress should address this issue in order to perform its mandated function of examining modalities for improving the flow of practical assistance and maximizing the effectiveness, efficiency and impact of related activities. At times of financial constraints and increased demands, the Congress could prove to be especially useful in identifying new modalities for the delivery of practical assistance. Strategic alliances and innovative approaches to funding technical cooperation projects were required and should be pursued. Such methods could include contributions in kind and the provision of special expertise on the part of Member States, intergovernmental and non-governmental organizations and other entities, such as the United Nations affiliated or associated institutes. Examples of such strategic alliances, which had already begun to emerge, were the manuals on corruption, domestic violence, computer crime and implementation of extradition and mutual assistance arrangements. Additionally, Member States were working together, and with the institutes, in carrying out various technical cooperation projects and developing new structures to provide technical assistance in areas such as crime prevention and computerization of criminal justice, and in raising the level of professionalism of criminal justice personnel. Further refinement to improve the above forms of technical cooperation, as well as the development of new modalities, should be one of the mandates of the Congress. The issue of resources for the operationalization of the programme in accordance with the mandates of the General Assembly, the Council and the Commission, needed to be addressed effectively and promptly. Further delay entailed the risk of jeopardizing the credibility of the programme and its intergovernmental policy-making body.

59. In the exchange of views concerning the workshop on mass media and crime prevention, all representatives expressed strong interest in progress achieved so far in preparations, as well as its planned proceedings and projected outcome.

60. The workshop was geared towards enlisting the support of the media for crime prevention. The consistent and active involvement of mass media in crime prevention and control was crucial as a means of raising public awareness and directing attention to the collective sense of responsibility and action that was required. The workshop provided an excellent opportunity for attracting the attention of mass media around the world in the work of the crime prevention and criminal justice programme. The objectives, potential and activities of the programme could be brought to the forefront of public attention, thus contributing not only to a better understanding of its role and the importance of international cooperation, but also paving the way for technical cooperation and the exchange of knowledge and expertise.

61. However, there was another aspect of the issue that the workshop was intended to address which deserved equal attention. Studies had pointed to the increased likelihood of offenders being influenced by violence in the electronic media, particularly television. The high frequency and manner of presentation of violence on television was noted as having a potential impact on the young, who had difficulties in distinguishing fact from fiction, thus being led to the conclusion that violence would be the norm in settling problems and disputes. Concern was also expressed about the effects that sensational news coverage could have on the fairness of the trial process, particularly its effects on jurors and lay assessors, as well as its effect on the public's perception of the legitimacy of the judicial verdict or decision. However, the issue required exceptional attention since attempts to address the problem by overregulating the mass media implied the risk of resorting to censorship. Great emphasis was placed on the need to safeguard the freedom of the press and expression as fundamental principles of democracy. It was proposed that the workshop be expanded to examine problems associated with violence in the electronic media, sensationalism and fairness and integrity of the trial process, with the goal of promoting high standards of quality and responsibility while safeguarding fundamental freedoms and the need of the mass media to operate independently.

62. It was pointed out that all workshops required the direct involvement and active participation of Member States in order to raise their profile and ensure their success. In that connection, the initiative of the Group of Mediterranean States, in association with the Constituent Board of the International Centre for Crime Prevention and some of the institutes, to organize two of the workshops (on urban planning and on the prevention of violent crime) was mentioned. Equally, the United States of America was assuming a major role in the preparation of the workshop on extradition, while the Netherlands and Canada were assisting the United Nations Interregional Crime and Justice Research Institute and the European Institute for Crime Prevention and Control, affiliated with the United Nations, in organizing the workshop on computerization. The Meeting urged other Member States to join in the preparations of all the workshops foreseen for the Ninth Congress.

## Topic 2. Action against national and transnational economic and organized crime and the role of criminal law in the protection of the environment: national experiences and international cooperation

63. Organized crime was a global phenomenon and required a global response. The highly developed procurement and marketing channels, as well as the logistical structures of organized crime in its modern forms could only be dealt with in a supranational context. It constituted a serious issue for all Governments, but particularly for those of developing countries and countries in transition, because in its many manifestations it threatened basic economic, social and political institutions and values. It was hoped that the Ninth Congress would bring forward new ideas as to how, through international cooperation, the international community could cope better and in a more organized fashion with this ever-increasing problem.

64. The free flow of people, goods, services and capital, and contemporary efforts to increase regional integration were being taken advantage of and abused by organized criminal groups that identified new opportunities and expanded their operations across frontiers into new markets. In addition to more traditional activities, organized criminal groups were increasingly engaged in counterfeiting of currency and securities, illegal production and distribution of goods protected by trade mark, as well as infringement of intellectual and industrial property. There was widespread concern also over the ability of organized criminal groups to become involved in the illicit arms trade, the illegal smuggling of aliens and trafficking of human body parts. More importantly, organized criminal groups could acquire strategic technology and material, such as nuclear as well as chemical and biological warfare material. The threat posed to national and international stability and security by these activities was emphasized. The international community had to take immediate and concerted action at the global level.

65. One of the areas where there was a flurry of activity by organized transnational crime was that of economic offences. Currently, there was an increased potential for transnational economic crime because of the liberalization of trade, the dismantling of economic barriers and the increased reliance on technology and telecommunications within the business world. The combination of these factors also opened the door to new forms of technological crime, and in particular computer-related crimes. The matter was becoming more serious and was an emerging area of concern. The Ninth Congress could most appropriately serve as a forum to address the issue and to devise strategies of effectively dealing with it. The Congress could build on work already done, particularly the manual on computer-related crimes developed with the assistance of the Government of Canada.

66. The activities of organized crime in the field of drug trafficking were also highlighted. Reference was made to the possible elaboration of guidelines on controlling the activities of enterprises that produced precursors. In that connection, the idea of creating an international data bank, which would register those enterprises was also suggested.

67. The laundering and use of the proceeds of crime was cited by all representatives as an issue that required particular attention. Proceeds of crime were increasingly infiltrating national economies and constituted a serious threat to financial systems worldwide. It was estimated that over US$ 1 billion in criminal proceeds were transferred by electronic means daily and incorporated in various sectors of the economy. Countries in transition were particularly vulnerable because of the eagerness of organized transnational criminal groups to take advantage of their potential. The lack of experience of the criminal justice system of those countries in detecting and effectively investigating extremely sophisticated methods, such as those used in laundering and using the proceeds of crime, made the situation more serious and compounded difficulties. It also made the provision of technical assistance crucial. Reference was made to the 40 recommendations of the Financial Action Task Force established by the Group of Seven major industrialized countries and the President of the Commission of the European Communities, and countries were urged to make every effort to implement them.

68. The Meeting was informed of the organization in October 1994, at Naples, Italy, of the World Ministerial Conference on Organized Transnational Crime, in accordance with Council resolution 1993/29 of 27 July 1993. The Conference would be held at the same facilities to be used for the summit meeting of the Group of Seven major industrialized countries, scheduled for July 1994. The Meeting was also informed of the organization of the International Conference on the Prevention and Control of Money Laundering and the Use of the Proceeds of Crime: A Global Approach by the International Scientific and Professional Advisory Council and the Italian Government under the auspices of the Branch, in accordance with Council resolution 1993/30 of 27 July 1993. The International Conference was to be held at Courmayeur, Italy, in June 1994. All speakers welcomed the initiatives and expressed their interest and eagerness to see the conferences meeting their objectives as described in the relevant General Assembly and Council resolutions. Reference was made also to the entry into force of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

69. The Meeting devoted considerable discussion to modalities of improving international cooperation in preventing and controlling all forms of organized transnational crime, as well as measures at the national, regional and international levels. The function of the Ninth Congress as a forum where those modalities and measures could be thoroughly discussed, particularly in the context of the various related workshops, was highlighted. A number of representatives identified considerable problems in obtaining reliable information on the activities of organized transnational crime, as well as on the response of Member States to its various forms. The Congress could initiate a process for the establishment of a repository of such information, including material on national legislation and other measures, so as to foster the exchange of experience and expertise, thereby enabling policy makers and legislators to improve their responses at the national level. The Congress could also identify emerging concerns and areas of particular vulnerability to the operations of

organized transnational crime. The performance of such a function was essential to enable Member States to take preventive action against emerging forms of organized transnational crime.

70. Several representatives referred to the need to revisit mutual legal assistance and extradition arrangements, including the United Nations model treaties that provided only a very basic framework for international cooperation. Those arrangements had to be reconsidered in the light of recent developments in law and practice, as well as new forms of crime that often rendered them inoperative. Innovation in prevention and control would have to keep pace with the ability of organized criminal groups to diversify and shift their operations. Countries would need to consider a range of measures to improve the ability of their criminal justice systems to deal effectively with these highly sophisticated forms of crime. In addition, measures should be designed taking into account not only effectiveness in responses, but also the improvement of international cooperation. In that connection, emphasis should be placed on raising the professional standards of criminal justice personnel, as well as the possibility of establishing special departments in law enforcement agencies and linking such departments with international communications networks. In order to improve the flow of intelligence, consideration could be given to the creation of a standard framework for that purpose and to the placement of liaison officers in foreign countries in order to provide for a constantly open channel of communication with the appropriate authorities.

71. Several representatives expressed concern over the re-emergence of terrorism and the random violence that characterized its operations. Difficulties associated with reaching agreement on a definition should not stand in the way of effective action against a phenomenon that posed a grave threat to international relations, peace and security. Member States were urged to comply with multilateral conventions against terrorism. However, the issue should be given further consideration, also at the Ninth Congress, in view of recent developments and the improvement of international relations. It was suggested that one of the most important steps forward that could be made in the direction of taking global concerted action would be to consider removing the political offense exception in the context of extradition and mutual assistance related to terrorist activities.

72. Countries of eastern Europe drew attention to new forms of criminal activity that were confronting them, especially the rise of organized crime. Those problems were exacerbated by the fact that institutions were in the process of being built and reforms were under way to restructure national economies in accordance with free-market principles. The expansion of organized crime in the region, with activities ranging from forgery and racketeering to traffic in firearms, required immediate attention and a concerted response on the part of the international community to prevent further damage and to avoid jeopardizing the success of their democratization process.

73. The issue of corruption drew significant attention and was the subject of considerable discussion. All representatives underlined the significance and desirability of effective measures against corruption and the importance they attached to the plenary discussion on the issue scheduled for the Ninth Congress. It was pointed out that the issue was discussed under topic 2 only for purposes of convenience. While there were strong links between organized transnational crime and corruption, the latter was a separate form of criminal activity with extremely serious implications for society at large. Corruption undermined confidence in the very essence of government and was linked to a very wide range of other issues, including respect for the rule of law and observance of basic human rights. As such, it deserved particular attention at the Ninth Congress. Spain had offered to organize an interregional meeting of experts on the issue, in cooperation with the Branch, to be held in the summer of 1994. The interregional meeting would follow the format of the Interregional Seminar on Corruption in Government held at the Hague, Netherlands, in 1989, and would explore the latest developments and consider their effects in order to devise more effective measures against corruption. The conclusions of the interregional meeting could serve as terms of reference for the plenary discussion during the Ninth Congress.

74. The Meeting also focused on the draft international code of conduct for public officials that was contained in annex II to the discussion guide on the workshops (A/CONF.169/PM.1/Add.1). Particular attention was directed to article 11 of the draft by several speakers, and it was suggested that it be carefully revised. In any case, it was agreed that the draft would need to undergo a detailed and full intergovernmental review prior to its submission to the Ninth Congress. It was for that purpose that the draft had been included in the discussion guide on the workshops, which would form part of the documentation of the Commission at its third session.

75. Several representatives highlighted the importance of the developing role of criminal law in the protection of the environment and outlined relevant provisions in their national legislation. Some representatives noted the problem of divergence of rules in a field that was international by nature, and lent itself to transnational criminal activity. They stressed the need to reach an agreement at the international level on certain basic principles, which should be general and clear, with respect to a common definition of environmental crime that could inspire the various legislations in a harmonious and coherent fashion. The Congress could consider the possibility of, and mechanisms for, developing model legislation or minimum standards for use at the national, regional and international levels, while bearing in mind the need to coordinate with relevant intergovernmental organizations. The possibility of the development of a manual on the subject was also discussed, following a comprehensive study of the role of criminal law in the protection of the environment.

76. The workshop on the role of criminal law in the protection of the environment was welcomed as an important opportunity to exchange information and practical experience in national, regional and international approaches to the prevention and control of environmental crime. The workshop could lay the foundations for cooperative enforcement approaches at all levels. There were a number of issues that the workshop should consider and make efforts to resolve. These included jurisdictional questions where environmental offences had transboundary effects, as well as questions of definition and approaches to sanctioning. A number of representatives stressed that environmental crime pertaining to wildlife was of particular concern, for example the smuggling of endangered species and birds of prey by organized crime. They emphasized the professional nature of such crime, the advanced equipment used, as well as the quick turnover and high returns. It was, therefore, strongly recommended that the issue of the illicit trade in wildlife be included in the workshop agenda. While some representatives expressed special concern about illicit activities related to hazardous waste and recommended that this matter also be addressed at the workshop, others referred to the recommendations of the International Seminar on the Role of the Criminal Law in the Protection of the Environment, held at Lauchhammer, Germany, in 1992, and the expert group meeting organized by the Branch at Vienna on the same subject. It was suggested that the workshop take into account those recommendations.

77. The Meeting discussed at considerable length the workshop on extradition. Several representatives were of the view that the scope of the workshop should be expanded to include other forms of international cooperation in order to increase its effectiveness. The Meeting was informed that, in preparation for the workshop, a questionnaire had been distributed and forty-one responses had already been received from Member States. The workshop provided a valuable forum for the exchange of information and expertise of a practical nature, and to that end it was suggested that the workshop format might include panel discussions and examination of hypothetical extradition cases. It was indicated that a position paper would be drafted and disseminated prior to the Congress, which might also serve as a reference tool and as a form of technical assistance before, during and following the Congress. It was suggested that further forms of technical assistance as follow-up to the workshop might include internships with foreign ministries or ministries of justice and courses on extradition, with faculty drawn from Governments that would be willing to provide assistance in kind as well as from members of the Secretariat with expertise in this field. The topics for possible consideration at the workshop would include how in practical terms extradition might function, impediments to extradition and how to balance comprehensive extradition regimes against the need for

reasonable grounds to deny extradition in specific cases. It was emphasized that there was a need to shift from treaties that list extraditable offences to treaties in which extradition would be granted where the conduct concerned was punishable in both States by at least a specified period of deprivation of liberty, and to cover modern criminal offences such as computer crime and money-laundering, as well as to reconsider the effectiveness of existing communication channels (diplomatic channels, the International Criminal Police Organization (ICPO/Interpol) etc.). Some representatives expressed a preference for multilateral instruments rather than a multiplication of bilateral instruments. Suggestions were invited, and it was stated that an informal meeting would be held during the third session of the Commission for that purpose.

## Topic 3. Criminal justice and police systems: management and improvement of police and other law enforcement agencies, prosecution, courts and corrections and the role of lawyers

78. Despite advances in crime control, crime was growing and expanding. This necessitated a significant, demonstrable change in the approach to the problem, so as to reduce the consequences of criminality. Toward that end, the Ninth Congress provided an important forum to examine the practical difficulties being faced by the international community and in developing new, improved approaches to crime prevention and control.

79. The Meeting urged the improvement of the management of police systems, pointing to the need for better-trained police forces, both nationally and internationally, and more effective police cooperation across frontiers. Progress was being made, in that respect, in the context of recent developments in the mobilization and integration of regional law enforcement action in Europe, for example, by the ratification of the Schengen Convention applying the Schengen Agreement and the establishment of the European Police Union and the European Police Force (EUROPOL). As a basis for such cooperation, however, it was necessary to foster cross-border operations by taking corresponding measures in the enactment of enabling legislation and by ensuring specialized training, including training in matters of foreign legislation, foreign languages, and modern police techniques, as well as opening channels of intelligence communication. That was particularly important vis-à-vis the more pernicious forms of crime, including illicit drug trafficking, arms trade and terrorism.

80. To combat crime, the use of state-of-the-art information technology was considered to be a necessary ingredient in promoting international police cooperation, so as to facilitate interconnective and cross-sectoral operations at the national level. It was necessary to ensure, though, that police action, including the use of technology for the purposes of both investigation and information exchange, upheld the rights and civil liberties of citizens. Advances were being made in improving relations between the police and the citizenry through various means, including the adoption of measures to ensure that law enforcement was more sensitized to and reflective of community populations, for example, by the integration of minorities and females into police forces and cadres.

81. Countries that had great experience in matters relating to police management were in a good position to assist others. It would be appropriate to delegate to an intergovernmental body the task of updating and maintaining a data bank on the types of assistance in the justice sector being rendered around the world.

82. In connection with police management, steps taken toward the privatization of some of the multifarious police tasks were reported. Admittedly, that was a highly sensitive issue requiring further attention.

83. Reference was also made to the models of public prosecution adopted in different criminal justice systems. In that connection, concern was expressed about striking a proper balance between the autonomy of the prosecutor and accountability to the public. Addressing the problem of crime required a multidisciplinary approach, with the involvement of professionals and officials from disciplines other than the justice sector. The functioning and management of those public services and administration had to be

subject to appropriate principles of transparency, especially to avoid corruption. Likewise, appropriate opportunities for recourse, including administrative review of decisions, had to be available to individuals who used or were affected by those services. Reference was also made to models of organization of the office of prosecutor. A discussion occurred regarding the accountability of the public prosecutor to the public and the required autonomy of the office of the prosecutor.

84. The time had arrived to achieve respect for human rights within the justice system. One way suggested was to stringently enforce procedures by which the accused was brought before the judiciary as soon as possible and not later than the expiration of a limited period of time, as specified by law and bearing in mind standards set by international norms, by integrating into training courses, across all sectors, familiarity and acquaintance with international human rights guarantees, and by re-examining the principles of sanctioning. In respect of the latter, it was proposed that countries should undertake a review of sanctioning systems and procedures, particularly with respect to non-custodial penalties, in order to encourage the necessary reforms.

85. The attention of the Meeting was invited to the dangers of the inappropriate utilization of science and technology, in particular, unlawful electronic interception of communications, in relation to the protection of human rights and fundamental freedoms. It was proposed that computerized data files about individuals, kept by private or governmental authorities, should be subject to strict regulatory control and effective legal measures so as to safeguard the respect for privacy and to prevent the data from being used for purposes incompatible with the International Covenant on Civil and Political Rights. Reference was made, in that context, to the study, carried out by the Sub-Commission on Prevention of Discrimination and the Protection of Minorities of the Commission on Human Rights, on guidelines relating to the use of computerized personal data files (E/CN.4/1990/72) and their approval by the General Assembly.

86. It was proposed that the Ninth Congress formulate practical suggestions as to how to mobilize and integrate the services of existing information centres in various countries, thereby providing States with accurate information on effective management practice in regard to the administration of criminal justice, including police services.

87. Several statements referred to national situations which led to the search for new legal and organizational arrangements within the justice sector, requiring immediate technical assistance on an array of matters, including computerization of justice-related information and other innovations which could result in the improved efficiency of personnel.

88. Reference was made to the growing problem of a burgeoning detainee population and overcrowding in correctional facilities. The appropriate response was not only to build more facilities, but rather to link the solution to a different functioning of other sectors, emphasizing the role of the police in prevention as well as in enforcement, and the role of the judiciary in providing constructive and appropriate sanctioning, in particular, by using alternatives (such as fines and community service) to the imposition of imprisonment and to the overuse of custodial detention.

89. It was noted that prison overcrowding constituted a critical, imminent problem in nearly all parts of the world, a problem which frustrated the implementation of the Standard Minimum Rules for the Treatment of Prisoners, and which should be given high priority by the Ninth Congress and its preparatory body.

90. It was proposed that implementation of the Standard Minimum Rules needed continued attention, monitoring and evaluation, with a view to effecting possible modifications, so as to update them to meet the demands of the prevailing situation.

91. It was further suggested that the Ninth Congress should pay particular attention to the question of the transfer or repatriation of foreign prisoners to their country of origin or residence. It was noted that transfer

was generally not only in the interests of the offender, but equally in the interests of the administration of justice. Many countries had to cope with an increasingly substantial number of foreign detainees of many nationalities, which resulted from, inter alia, the increased mobility of persons worldwide. That pointed to the importance of adopting international instruments for the transfer of prisoners, in accordance with the Model Treaty on the Transfer of Prisoners, as was the case in the European region in the context of the European Convention on the Transfer of Sentenced Persons, as well as for the transfer of enforcement of penal sanctions and of criminal proceedings, as affording promising ameliorative action.

92. A question of particular concern, and in need of awareness-raising, related to permitting defence lawyers to have appropriate access to international cooperation, including participation in judicial proceedings in foreign States for the collection of evidence, where appropriate, in the same way as other parties (that is, the police and prosecutors). The extent to which existing international instruments could be used, or amended, in order to provide an equality of arms between the defence and prosecution in criminal cases was suggested as a matter for consideration by the Ninth Congress.

93. It was observed that it would be desirable to refine deontological codes of lawyers, in order to avoid abuses of the right to defence and the creation of obstacles to appropriate functioning of justice. The inadmissible delays caused by procedural technicalities were cited as an example, as well as the unfortunate incidents of transfer of messages, with the attorney playing the role of the intermediary, in cases of terrorism.

94. The protection of, and the provision of assistance to, the victims of crime should be ensured from the initial stages of the justice process. It was suggested that this should not only include restitution and compensation, but also access to various multidisciplinary services. In performing their functions, prosecutors should also take into account the rights of those affected by the crime. Measures should also be adopted to protect victims in a manner similar to that afforded to witnesses.

95. It was observed that, over the years, the crime prevention and criminal justice programme had shifted its initial concern for the treatment of offenders to both broader and more specific issues, for example, urban crime policy and organized crime. Moreover, the emphasis of the programme had also shifted from policy orientation and guidance to operational activities. It was suggested that in tackling both types of issues the normative approach established by the international community towards a more humane treatment of offenders should not be abdicated. For example, in an effort to combat organized crime, relatively harsh measures were being advocated which necessarily had implications for the human rights of the accused and the detained. Such shifts also seemed to have led to a situation where standard-setting and implementation had naturally come to a halt. As the international community was searching for more viable solutions, effective crime control did not need to be at the expense of observance of human rights in the administration of justice.

96. In that connection, it would be an appropriate time for the Commission to review, consolidate and take stock of the implementation of the various existing international instruments in the field of crime prevention and criminal justice, with a view to determining what future work would need to be undertaken and what past work needed to be refined. Particular reference was made to standards of pretrial detention. The open-ended working group established for the third session of the Commission to start such a review was welcomed by many representatives.

97. It was noted that with political and social instability, there was an increased potential for the breakdown of the criminal justice system and its capacity to maintain the rule of law. The situations in Cambodia, Somalia and the territory of the former Yugoslavia were noted, in particular, as well as the assistance provided by the Branch. Those areas posed a unique chance to put into practice what the United Nations had recommended in the field of crime prevention and criminal justice, and required increased attention by the international community.

98. The observation was made that great improvement was needed in terms of ensuring the fair treatment of females, as victims and offenders, by criminal justice systems, and moreover, in enabling their greater access to justice. Concern was expressed, in particular, about the violence and abuse perpetrated against females within criminal justice processes, which not only reflected, but also tended to further promote, female discrimination and subjugation.

99. It was suggested that the overwhelming majority of crimes against humanity tended to go unpunished, encouraging further transgression, even the systematic gross violation of human rights. It was noted that political disorder often resulted in the collapse of the national legal protection of human rights. At the national level, where domestic remedies no longer existed, international remedies had to be relied upon to ameliorate a situation where the need to protect human rights was particularly acute.

100. Some representatives called for the establishment of a permanent international criminal court to consider the grave and systematic violations of fundamental human rights. The cooperation of the newly appointed United Nations High Commissioner for Human Rights would greatly enhance the role of the proposed criminal court.

101. A number of representatives stressed the importance of the workshop on international cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information. It should aim at promoting exchanges among States regarding the use and analysis of computerized criminal statistics, relating to the various stages of the criminal justice process. Such an exchange could form the basis for the assessment of current policies and the development of more suitable ones, including discussions on how statistical information was being utilized in some countries in the formulation of policies and programmes at the national and local levels. It was proposed that those new methods should be examined and evaluated by the workshop, as well as other issues such as compatibility of criminal statistics, sources and strategies for collecting statistical information, computers as an aid in investigations, and cost-effective ways of making available both data and capabilities for its analysis, and information exchange.

102. It was suggested that the workshop would provide an important opportunity to re-examine, in general terms, the purpose and components of the United Nations Criminal Justice Information Network, including difficulties being encountered in respect of the implementations and analysis of the result of the United Nations periodic surveys on crime trends and criminal justice operations. The workshop would also provide a mechanism for identifying needs for the creation of statistical infrastructures which were essential for improving national statistical reporting systems.

103. The computerization component of the workshop would enable evaluation of major obstacles to the advancement of technical assistance in the criminal justice sector, in particular the general lack of awareness on the part of criminal justice managers with respect to the importance and prerequisites of introducing the technology. The workshop would also afford development aid agencies the opportunity to participate directly in the discussions to enable both Member States and development aid agencies to understand each other's respective concerns and issues in formulating and executing computerization projects.

104. In addition to the workshop, the European Institute offered to sponsor a symposium on computerization, envisaged as an ancillary meeting to the Ninth Congress. The symposium would be designed to give delegates the opportunity to view the latest computer applications in criminal justice and related substantive areas, through kiosk presentations of Member States and private industry, as well as to provide podium presentations focusing on the experiences of Member States, donor agencies and private industry in introducing computer technology in the administration of criminal justice. It was also noted that a number of ancillary meetings, to be sponsored by non-governmental organizations, would be held, and that they would contribute to the work of the Congress.

Topic 4. Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives

105. Some representatives focused their statements on violence against women and children and on juvenile criminality, the latter being committed at earlier ages. Others emphasized types of criminality that were equally disturbing, such as violence in the school, drug-related crime, xenophobic violence and crimes against property in the context of social and economic crises. In that respect, they also emphasized the frequent lack of awareness of the rule of law and the weakening of common values.

106. Furthermore, emphasis was given to the instrumental use of children in organized crime, the collaboration between adult offenders and juveniles, and the formation of juvenile gangs which often employed violence.

107. Responses to that phenomenon were reported by several speakers. Some measures relied on purely punitive sanctions. Other approaches to delinquency-related problems were being taken within the normative framework of, and drawing upon, the international principles and tenants embodied in United Nations juvenile justice instruments, namely, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and in conjunction with the Convention on the Rights of the Child, all of which were included in Human Rights: A Compilation of International Instruments.[2]

108. It was noted with dissatisfaction by some representatives that the provisional agenda of the Ninth Congress did not accord sufficient importance to juvenile justice, unlike previous congresses. In that connection, it was recalled that the General Assembly, in its resolutions 45/112 and 45/113 of 14 December 1990, had requested the Ninth Congress to consider the implementation of the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty under a separate item. It was proposed that the Ninth Congress should consider juvenile justice and delinquency prevention as a separate item, according it the high priority it deserved, in accordance with United Nations pronouncements in that field.

109. Organized crime and illicit drug trafficking and other issues had gained more prominence. However, recognition of juvenile justice issues, such as the criminal use of children in such activities, had been neglected.

110. Reference was made to development of an international justice model for the young by a Standing Advisory Round-Table of Eminent Experts on United Nations Juvenile Justice Standards, Policy and Instrumentation, which would culminate in a United Nations manual to serve as a guide and a basis for all future work in the juvenile justice field.

111. Emphasis had to be placed on the comprehensive prevention of juvenile delinquency, with the involvement of various sectors and the local community. The central importance of prevention, involving an array of social, economic, legal and other measures that required coordination, was stressed. Legal ethics education in schools was considered an important new approach to delinquency prevention.

112. Educational methods should be aligned with new thinking rather than the ideas of former centuries. Serious concern was expressed about a devaluation of the role of the family and educators in relation to the prevention of crime and juvenile delinquency and in relation to forestalling many problems which brought children into trouble and conflictive situations. The leadership role of educators, in that respect, should be highlighted in terms of promoting and fostering respect for the law and resolving conflicts responsibly.

113. It was noted that juvenile delinquency had been increasingly linked with violent criminality, often as a perception being generated by contemporary mass media. That was resulting in a backlash in terms of the approach being taken in response to juvenile offending.

114. There were multiple complex factors involved in violent youthful offending, and these had to be taken into account in examining causation. The linkage was, perhaps, not a direct one, as some significant scientific research indicated. While the young were responsible for the commission of a certain amount of violent criminality, it was necessary to take stock of their real contribution, placing the relationship between the young and violent criminality in proper perspective, particularly for the sake of more balanced policies and responses. In fact, only a small amount of total youthful offending was violent, the bulk constituting petty crime. Furthermore, in some countries, youthful crime and delinquency had declined.

115. The young were often victims of violence. They were among the first victims of violence. The sexual and other exploitation of, violence against, and sale of children continued to be a very serious problem where significant inroads had yet to be made. Children were clearly, above all, the victims of inadequate or non-existent social and criminal justice policies and measures.

116. Similarly, violence against women was a difficult problem, one which in some States still did not evoke an adequate response by the criminal justice system. Violence against women was a clear manifestation of gender inequality, which was reflected and reinforced by both legal and social institutions and structures. Violence against women and children was a major problem which incurred both human and social costs. As in the case of other victims of violence, female victims of violence or sexual abuse often suffered physical or psychological traumas.

117. Violence was a vicious circle, and there were firm grounds for believing that violent behaviour repeated itself from generation to generation. Violence, however, was not an irreversible mechanism, and could be dealt with through more multidisciplinary cooperation at the national and international levels. In that sense, the condemnation of violence against women and children should not only be reflected in the criminal justice system, but also through the prevention of such acts and the treatment of victims.

118. Given the importance of the problem of violence against women and children, it was suggested that the Commission should consider the issue more carefully in the context of its mandate on crime prevention and criminal justice, bearing in mind the work which had already been undertaken by other bodies in order to avoid duplication. It was also suggested that the Ninth Congress should study the issue of violence against women and children as a separate subtopic and a matter of priority during the discussion of topic 4 and also in the workshop on the prevention of violent crime.

119. It was also noted that the Commission on Human Rights had appointed a Special Rapporteur on violence in all its forms against women and children. The gravity of the problem further tended to indicate that a declaration on violence against women was not sufficient, and that the drafting of a United Nations convention on the elimination of violence against women, under the auspices of the Commission on Crime Prevention and Criminal Justice, might be considered.

120. Another aspect of violence was that directed against homosexuals, which was a reflection of discriminatory attitudes. As a countermeasure and in the interest of human rights, it was suggested that homosexual activity between consenting adults should be decriminalized, where still prohibited.

121. Certain aspects of crime prevention were increasingly assuming international dimensions. The need for international harmonization and coordination had increased significantly. In that connection, it was hoped that the proposed International Centre on Crime Prevention would address the matter as one of its first priorities.

122. Violence was a complex problem and required comprehensive treatment. Various crime prevention measures had different aims. They addressed specific offences, concentrated on particular areas, especially specific urban districts, or were related either to particular groups of individuals or to specific situations. All, however, needed to be coordinated.

123. Many representatives emphasized the importance of developing methods of working in a collaborative and cooperative manner, taking into account all the factors conducive to the existence of various types of urban criminality and violence and the important role of mediation and social rehabilitation of offenders, as well as the interest in developing medical treatment programmes for drug- and alcohol-addicted, violent or sexual offenders.

124. A separate problem was the nature and scope of police powers and of private security agencies in the urban environment. That problem had yet to be fully examined in many countries and at the international level. It was suggested that the Ninth Congress should examine the issue.

125. There was an urgent need to consider, at the international level, the question of gun control, which was a most prominent problem in urban environments. Drug trafficking, prostitution and vehicle theft were growing characteristic phenomenological problems of the urban environment that also required attention.

126. Many countries were experiencing urban growth and drift from the countryside, with parallel crises in terms of family solidarity, employment, housing, pollution and immigration, all of which were posing serious challenges for service delivery systems, public institutions and public policy. Migrant movements and those of refugees and displaced persons because of ethnic conflicts or war created difficulties in the recipient countries.

127. Socially integrated policies and the promotion of tolerance, solidarity and the respect of diversity within society were mentioned as important elements in the formulation of urban crime prevention strategies. Reference was also made to the necessity of examining the manner in which criminal law considered particular types of conduct that were motivated by racism or xenophobia.

128. It was noted that the international community could not remain indifferent to the current upsurge of violent crime taking place in connection with armed conflict, particularly in respect of atrocities being taken against peaceful populations.

129. The proposed guidelines on urban crime not only required careful intergovernmental review, but work was also needed to bring them to the level of international standards. The Commission should review the proposed guidelines at its third session.

130. A number of Mediterranean States, in coordination with the Constituent Board of the proposed International Centre on Crime Prevention, had joined to prepare the workshops on urban policy and crime prevention and on the prevention of violent crime. The need for other Governments to commit themselves to assist in the preparation of those workshops was stressed.

131. The first concern to be discussed at the workshop on urban policy should be the need to draw to the attention of urban developers and planners the crucial and vital role that they could play. One of the underlying factors in respect of crime in urban areas was the break down of family ties and the increasing sense of isolation from the community. The workshop should help to identify the differences experienced in multi-ethnic and multicultural towns and the problems faced thereby.

132. The workshop should also be a forum for discussing solutions to such problems, including measures such as the development of proposals to establish strategies of a coherent and integrated nature (for example,

sectoral strategies that included urban development policies), to reduce exclusion (in education, public service etc.), to prevent recidivism, as well as to maximize cultural policies allowing for civil rights and citizenship. It was stressed that the workshop had a number of objectives, and should identify priorities by examining practice and experience, as well as values that were common to all countries. The workshops would also have the chance to initiate clearing house functions for the future exchange of experience and ideas.

133. Several participants joined in emphasizing the importance of the two workshops in relation to the provisional agenda of the Ninth Congress. In particular, the objectives of the workshop on prevention of violent crime should include: identifying and assessing forms of violent crime; setting forth integrated approaches to identify successful and adaptable measures; and promoting an exchange of views and technical cooperation. The workshop should seek to assess the extent of violent crime (for example, domestic crime and collective violence). Emphasis should be placed on the main factors underlying violent crime (family, social causes etc.), as well as the identification of concrete action to prevent it. The workshop could also deal with the question of juvenile delinquency, including ways and means of establishing early warning systems in schools in order to prevent the escalation of violence.

134. It was further suggested that the workshop on the prevention of violent crime should consider violence against women and children and examine possible mechanisms of prevention and control, and that the Special Rapporteur on violence against women, appointed by the Commission on Human Rights, should be invited to participate in the discussion.

## IV. ADOPTION OF THE REPORT OF THE MEETING

135. At the last meeting, the European Regional Preparatory Meeting adopted the report on its proceedings, including its conclusions and a number of amendments that were fully reflected in the text.

136. The observer of Tunisia made a statement concerning the importance of developing and implementing an international strategy on crime prevention, in the light of political, social and economic changes.

137. In a closing statement, the Chairman said that the conclusions of the Meeting would greatly assist the Commission in finalizing the preparations for the Ninth Congress.

## Notes

[1]International Review of Criminal Policy, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

[2]United Nations publication, Sales No. E.93.XIV.1.

## Annex I

## LIST OF PARTICIPANTS

Armenia

Levon Avedissian, First Deputy Minister of Justice

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Austria

Ferdinand Mayrhofer-Grunbuhel, Ambassador, Permanent Mission of Austria to the United Nations, Vienna, Head of Delegation

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Harald Tiegs, Director, Federal Ministry of Justice

Fritz Zeder, Public Prosecutor, Federal Ministry of Justice

Gabriele Loidl, Federal Ministry of the Interior

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Vladimir Savichev, Head, Police Academy, Ministry of the Interior

Alexander Dudarenko, Head of Department, Ministry of Justice

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Marie-Pierre de Liege, Délégué interministériel adjoint à la ville

René Bregeon, Commissaire divisionnaire, DCSP, Ministère de l'intérieur

Dominique Ducrocq, Chargée de mission au SCTIP, Ministère de l'intérieur

Isabelle Toulemond, Chef du bureau de la protection des victimes et de la prévention, Ministère de la justice

Antoine Buchet, Magistrat au bureau de la coopération, SAEI, Ministère de la justice

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Manfred Möhrenschlager, Head of Section, Federal Ministry of Justice, Bonn

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Francisco Padilla, Reverend, Monsignor

Winfried Platzgummer, Professor

Peter Schipka

Johannes Zahrl

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Francesco Di Maggio, Deputy Director-General, Department of Penitentiary Affairs, Ministry of Justice

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Maurizio Ludovici, Ministry of Interior

Bruno Frattasi, Ministry of Interior

Claudio Vaccaro, Ministry of Interior

Malta

George Grech, Commissioner of Police

Vincent Degaetano, Deputy Attorney General

Joe Woods, Vice-Chairman of the Prisons Board

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Lars Meling, Head of Division, Department of Police, Ministry of Justice and Police

Merete Smith, Head of Division, Civil Department, Ministry of Justice and Police

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Jerzy Jasinski, Polish Academy of Sciences

Lech Paprzycki, Judge of the Supreme Court

Marek Ochocki, Director, Organized Crime Prevention Bureau, Police Headquarters

Ireneusz Matela, Counsellor, Alternate Permanent Representative of Poland to the United Nations, Vienna

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S. M. Tarasenko, Second Secretary, Legal Department, Ministry of Foreign Affairs

A. S. Chtsherbakov, Third Secretary, Permanent Mission of the Russian Federation to the United Nations, Vienna

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Viktçria Valova, Division of Crime, General Prosecutor's Office of Slovakia

Katarína Reinvartova, Division of Crime, General Prosecutor's Office of Slovakia

Slovenia

Bojan Podbevsek, Adviser to the Minister, Ministry of Internal Affairs

Spain

José A. De Yturriaga Barberan, Embajador Representante Permanente de España ante los Organismos Internacionales en Viena

Javier Balaguer Santamaria, Fiscal, Secretaría Técnica, Fiscalía General del Estado, Ministerio de Justicia

Véctor Gonzalez Gonzalez, Fiscal, Secretaría Técnica, Fiscalía General del Estado, Ministerio de Justicia

Rafael Garcia Herranz, Teniente Coronel de la Guardia Civil, Jefe del Servicio de Formación, Relaciones e Imágen, Secretaría de Estado para la Seguridad, Ministerio del Interior

José Miguel Sanchez Tomas, Asesor Ejecutivo del Secretario de Estado - Delegado del Gobierno para el Plan Nacional sobre Drogas, Ministerio del Interior

Aurelio Fernandez Lopez, Consejero Técnico, Representación Permanente de España ante los Organismos Internacionales en Viena

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Krister Thelin, Under-Secretary of State, Ministry of Justice

Klas Bergenstrand, Under-Secretary for Legal Affairs, Ministry of Justice

Anders Perklev, Associate Judge of Appeal, Ministry of Justice

Switzerland

Jean-Dominique Schouwey, Chief, Legislation and International Agreements Section, Office of the Federal Police, Federal Department of Justice and Police

Astrid Offner, Federal Department of Justice and Police

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Yildirim Turkmen, Deputy Under-Secretary, Ministry of Justice

Nehir Unel, Legal Adviser, Permanent Mission of Turkey to the United Nations, Vienna

Izzet Gucyener, First Counsellor, Permanent Mission of Turkey to the United Nations, Vienna

Ukraine

Sergei Prodan, First Secretary, Permanent Mission of Ukraine to the United Nations, Vienna

United Kingdom of Great Britain and Northern Ireland

Caroline Macready, International Criminal Policy Division, Home Office, Head of Delegation

Stuart Innes, Deputy Permanent Representative, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Vienna

Anthony J. Hennessy, Second Secretary, Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Vienna

United States of America

R. Grant Smith, Acting Deputy Assistant Secretary for Crime, Bureau of International Narcotics Matters, Department of State, Head of Delegation

Beverly Zweiben, Deputy Director, Office of Democracy, Human Rights and Social Affairs, International Organization Affairs, Department of State

Sally Brandel, Deputy Director, Officer of International Criminal Justice, Bureau of International Narcotics Matters, Department of State

Michael Defeo, Special Counsel for International Programmes, Criminal Division, Department of Justice

Thomas A. Johnson, Deputy Assistant Legal Adviser, Law Enforcement and Intelligence, Office of the Legal Adviser, Department of State

Thomas G. Martin, Deputy Chief of Mission, United States Mission to the United Nations, Vienna

Eric E. Svendsen, United States Mission to the United Nations, Vienna

Carol Annette Petsonk, Attorney, Environment and National Resources Division, United States Department of Justice

States Members of the United Nations represented by observers

Iran, Islamic Republic of

Mehdi Mir Afzal, Counsellor, Permanent Mission of the Islamic Republic of Iran to the United Nations, Vienna

Iraq

Saad H. Majid, Alternate Permanent Representative, Permanent Mission of Iraq to the United Nations, Vienna

Tunisia

Amena Lazoughli, Coordinator of the Mediterranean Group

United Nations Secretariat

United Nations Office at Geneva, United Nations Office at Vienna, United Nations Operation in Somalia, United Nations Special Rapporteur on Torture

Specialized agencies

United Nations Educational, Scientific and Cultural Organization

Research institutes

United Nations Interregional Crime and Justice Research Institute, European Institute for Crime Prevention and Control, affiliated with the United Nations, International Centre for Criminal Law Reform and Criminal Justice Policy

Intergovernmental organizations represented by observers

Council of Europe, International Criminal Police Organization, International Organization for Migration

Non-governmental organizations

Category I: International Alliance of Women, International Council for Adult Education, Muslim World League

Category II: Asia Crime Prevention Foundation, Alliance of Non-governmental Organizations on Crime Prevention and Criminal Justice, Caritas Internationalis (International Confederation of Catholic Charities) Howard League for Penal Reform, International Abolitionist Federation, International Association of Judges, International Bar Association (IBA), International Centre of Sociological, Penal and Penitentiary Research and Studies, International Committee of the Red Cross, International Federation of Human Rights, International Federation of University Women, International Institute of Humanitarian Law, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students)

Roster: Defence for Children International Movement, International Association of Airport and Seaport Police, Victims Support Schemes

Other organizations

European Forum for Urban Safety, Human Rights Watch, International Federation of Employees in Public Services, International Lesbian and Gay Association, International Penal and Penitentiary Foundation, Penal Reform International, Office of International Criminal Justice of the University of Illinois, Chicago

## Annex II

## LIST OF DOCUMENTS

| Title or description | Document number |
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| Discussion guide | A/CONF.169/PM.1 |
| Provisional agenda, with annotations, and proposed schedule of work | A/CONF.169/PM.2 |
| Discussion guide on the research and demonstration workshops scheduled for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders | A/CONF.169/PM/CRP.1 |
| Report of the Commission on Crime Prevention and Criminal Justice at its Second Session | E/1993/32 |
| Report of the Ministerial Meeting on the Establishment of an Effective United Nations Crime Prevention and Criminal Justice Programme | A/46/703 |
| Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders | A/CONF.144/28/Rev.1 |